

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-001-O

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING CONVEYANCE BACK TO THE STATE OF MINNESOTA OF 80 ACRES OF PROPERTY KNOWN AS THE BAYVIEW FOREST PARK AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE PROCTOR SCHOOL DISTRICT REGARDING THE USE OF THE PROPERTY.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to enter into a memorandum of understanding with Independent School District 704 regarding the use of the parcels described in Section 2, such agreement in the form of Public Document No. \_\_\_\_\_.

Section 2. That the proper city officials are hereby authorized to reconvey the below-described property in St. Louis County, Minnesota, previously free-conveyed to the city, to the state of Minnesota:

Undivided 1/2 interest in Northeast Quarter (NE 1/4) of Southeast Quarter (SE 1/4), except 1.65 acres for Boulevard, Section 11, T49N, R15W; and

Undivided 1/2 interest in Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4), Section 11, T49N, R15W, except 3.18 acres for boulevard and except that part lying southeasterly of a line run parallel with and distant 100 feet northwesterly of the following described line:

Beginning at a point on the south line of said Section 11, distant 157.2 feet west of the southeast corner thereof; thence run northwesterly to a point on the east line of said Section 11, distant 169.0 feet north of said southeast corner.

Section 3. That this ordinance shall take effect 30 days from and after its passage and publication.

Approved:

Approved for presentation to council:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

PLNG/PC      KD:cm      1/2/2009

STATEMENT OF PURPOSE: This ordinance accomplishes two purposes, one is to authorize the reconveyance of the above property to the state of Minnesota. The second purpose is to authorize entering into a memorandum of understanding regarding the use of the property by ISD 704.

The property consists of 80 acres of forested hillside straddling Skyline Parkway between U.S. Highway 2 and Vinland Street in Bayview Heights. The property is commonly referred to as the Bayview Forest Park.

The property was originally tax forfeited property which was conveyed to the city in 1943 at no cost to be used for "public park, forestry and recreation purposes." The general public has utilized the property for hiking, bird and nature observation over the years.

Bayview Heights Elementary School, a part of the Proctor School District (ISD 704), currently operates a school forest according to the MN-DNR's school forest program in the vicinity of the subject property. ISD 704 would like to expand school forest programming onto the Bayview Forest Park property, but program dictates require them to acquire and interest in the property which, therefore, requires the city to remove its interest. In exchange for the city's participation in this effort, the Proctor School District agreed to establish a memorandum of understanding protecting the city's interests.

The city's interests in the memorandum of understanding are to preserve the public's access to the property for informal hiking, bird and nature observation, to restrict uses on the property as recommended in the comprehensive plan and Skyline Parkway corridor management plan, and to give the city advance notice of termination of the school forest program to enable the city to consider reacquiring the property in the future.

The following have reviewed and approved reconveyance of the property and recommend entering into the proposed memorandum of understanding:

- (1) Planning commission - December 9, 2008
- (2) Parks and recreation commission - December 10, 2008

This ordinance will authorize reconveyance of this parcel to the state and potentially, its conveyance to the Proctor School District. If this were to occur, the parcel would continue to be tax exempt, thereby having no effect on the city's tax base.

Because the city received a "limited fee title" to the property, it cannot sell the property to another party.